

COUNCIL WORK SESSION NOVEMBER 24, 2015

The work session of the Council of the Town of Altavista was held in the Council Chambers of the J.R. Burgess Municipal Building, 510 Seventh Street, on November 24, 2015 at 5:00 p.m.

Council members
present:

Mayor Michael Mattox
Mrs. Micki Brumfield
Mr. Charles Edwards
Mr. Tracy Emerson
Mr. Timothy George
Mr. Jay Higginbotham

Council members
Absent:

Vice Mayor Beverley Dalton

Also present:
Manager

Mr. J. Waverly Coggsdale, III, Town
Mr. Daniel Witt, Assistant Town Manager
Mrs. Tobie Shelton, Finance Director
Mr. Dennis Jarvis, Economic Dev. Director
Mr. Steve Bond, Wastewater Treatment
Plant
Mr. John Eller, Town Attorney
Mrs. Mary Hall, Administration

1. Mayor Mattox called the meeting to order and presided.
2. A motion was made by Mr. Edwards, seconded by Mr. Emerson, to approve the agenda as presented.

Motion carried:

VOTE:

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|----------------------|-----|
| Mr. Michael Mattox | Yes |
| Mrs. Micki Brumfield | Yes |
| Mr. Charles Edwards | Yes |
| Mr. Tracy Emerson | Yes |
| Mr. Timothy George | Yes |
| Mr. Jay Higginbotham | Yes |

3. Public Comments—Agenda Items Only

Mayor Mattox asked if anyone would like to speak on anything listed on the agenda.

No one came forward.

4. Introductions and Special Presentations

- a. FY2015 Financial Report (Annual Audit)

Mr. David Foley, with Robinson, Farmer, Cox Associates, was present to provide a brief synopsis of the Financial Report and answer questions.

Mr. David Foley, Robinson, Farmer, Cox Associates addressed Council in regards to the FY2015 audit. Mr. Foley, Audit Manager, presented the results of the recent audit to Council. An unmodified opinion statement

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was issued on the town's financial statement which is the cleanest opinion an auditor can give. It was felt that the town was in strong financial standing. He covered some of the highlights of the Town's financial report. No material weaknesses were noted. He noted one new accounting change was the Town was required to implement GASB 68 (this is how the town accounts for its pension plan). Mr. Foley noted the town ended the year with a fund balance of \$13.2 million. He ended by saying all in all it was a good year financially for the town.

Mayor Mattox thanked Mr. Coggsdale, Mrs. Shelton and the staff for the great audit.

It was the consensus of Council to place this item on the December 8th, 2015 Town Council meeting consent agenda.

5. Items for Discussion

a. Animal Concerns

Mr. Coggsdale advised over the past month, Council members have inquired about several issues involving animals in the town limits.

i. Animal Control-Non-domesticated animals

Mr. Coggsdale advised Campbell County Animal Control does not remove animals, other than domesticated ones that are loose in the town limits. Citizens are left to deal with other animals they may encounter on their property. When such calls come into the town hall, these calls are directed to other sources.

Mr. Higginbotham felt deer were the biggest problem in the town.

Mr. Coggsdale mentioned bow hunting is allowed within the town limits and the hunter must have permission from the property owner.

Mr. Witt noted all archery in the town is from a tree stand which makes it safer.

Mr. Higginbotham asked how this is handled in the City of Lynchburg.

Mr. George advised the City of Lynchburg has snipers.

Mr. Witt stated there is a regulation in the City of Lynchburg in which a property owner has to have 25 acres of land to use a gun.

Mr. Higginbotham asked if the deer situation could be looked at to curve the population.

Mr. Coggsdale advised in the spring staff has the opportunity to look at different permitting options.

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Mrs. Brumfield advised of a raccoon that was flopping in the alley with signs of being rabid. The only choice she had was to call Blue Ridge Wildlife which took six hours to respond to her phone call. It was \$250 to set up a trap and \$50 to maintain and check the trap. She stated by the time the call was received the raccoon was gone.

Mr. Emerson stated in the county when an officer is called out for something of this nature, they take care of the issue. He felt all that was needed was some guidelines for the police officers.

Mr. Coggsdale mentioned occasionally an officer will have to put down an animal.

Mr. Emerson clarified this would be for any animal that is acting strangely.

Mr. Coggsdale asked if Council would like staff to research for some policies.

Mr. Higginbotham asked if the deer situation could be researched as well.

Mr. Coggsdale asked Mr. Witt to look at options in regards to the hunting of deer within the town limits to decrease the population.

It was the consensus of Council to have staff research and bring back some options to Council, possibly putting a policy in place so that the police officers can take care of the non-domesticated animals if needed.

Mr. George brought up the issue of stray dogs and asked if a policy should be looked at in this regard as well.

Mayor Mattox noted then the police department would have to enforce such a policy.

Town Attorney, Mr. Eller, advised the town would have to hire a dog warden and would have to provide a facility for the dogs.

Mr. George asked if the officer could come and pick up the dog and bring it back to a holding area for Animal Control to pick up.

Mr. Coggsdale stated staff would have a conversation with Animal Control and see what the policies are.

ii. Feral Cats

Mr. Coggsdale stated there have been complaints in the past in different areas of town regarding feral cats. Over the past year, a downtown business owner has trapped and had several cats sterilized prior to releasing them in an effort to control the population. He noted Mr. Witt has worked with some

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citizens in which traps were set and the cats were taken to the animal shelter.

Mayor Mattox asked if Roanoke County has a policy on this.

It was the consensus of Council to ask staff to research this matter further.

b. Personal Property Taxes/Renters

Mr. Coggsdale advised a Council member inquired about personal property taxes on vehicles and the payment of said taxes by renters in town. When someone moves into town, that has applied for or obtained registration for a vehicle, they are required by the Code of Virginia §46.2-606 to notify the Department of Motor Vehicles (DMV) of their change of address within 30 days. When an individual moves into Town and registers their address change with DMV, that information is updated and periodically downloaded by the Campbell County Commissioner of Revenue's office. Personal property taxes are assessed on the vehicle(s) owned by town residents as of January 1st of each year. He noted if there are situations where renters are living in town and they have not notified the DMV of their address change, notify the Police Department, who will report such to the DMV.

Mrs. Brumfield advised she contacted DMV and verified this information.

c. WWTP Emergency Overflow Pond

Mr. Coggsdale presented Council with several pieces of information: an email from Dr. Schnoor in which he has answered some of Council's questions, two documents from Dr. Kevin Sowers which will be part of the Exhibit to DEQ on November 30th, 2015.

Mr. Higginbotham asked if Dr. Schnoor's letter would be used as part of the presentation and who would speak on Dr. Schnoor's behalf.

Mr. Eller stated Mr. Coggsdale would summarize the reports from Dr. Sowers and Dr. Schnoor and Dr. Lowman would speak on re-characterization and his work.

Mr. Higginbotham asked if DEQ would be told the original plan has been changed from the "Dig and Haul" concept to a Bio, Phyto remediation and will be moving forward with all three approaches.

Mr. Eller stated there would be a narrow focus in the hearing which would entail whether or not the town has complied with the plan that was submitted in 2010; "Dig and Haul" plan with a schedule for completion. The reason it was submitted was because of DEQ's regulations with the VRP.

Mr. Higginbotham clarified the town has gone from 2003 getting it classified and four years later it needs to be 50 parts per one million.

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Mr. Eller stated a remedial action plan had to be submitted. After researching, the conclusion in 2009 was “Dig and Haul” being the only alternative other than developing phyto that was coming along.

Mayor Mattox stated everyone is awaiting additional information from the DEQ as to if it is the average of the area of the pond or specific sites that cannot exceed the 50 parts per one million. He felt if it is an average, then it is close.

Mr. Eller felt it would be something else but didn’t know. Mr. Eller stated nothing has been done on “Dig and Haul” as the town indicated in their letter.

Mr. George asked why the idea of “Cap and Seal” was not presented since it was so cheap and it is accepted.

Mr. Eller stated this was looked at first and would cost \$500,000; at that time it just sealed in all the PCBs and didn’t remediate. The PCBs would always be there. Council made the decision in 2007-2008 they did not want to continue to have the PCBs on the property; capping was not the alternative. Council began looking for other alternatives.

Mayor Mattox asked if the narrative would entail why the Town took on this liability because of the timeframe and what was happening with the industries. We didn’t want to move that liability to the recession of 2001, 2002 and 2003 wanting to keep jobs in Altavista. The town tested, waited five years to see what we had to go to and found out this was too expensive and then sought alternative methods. Council has been looking for an answer to the PCB problem. A test was conducted three months ago and Council finds a 90% natural degradation. Mayor Mattox stated he understands DEQ is looking for remediation which is occurring naturally to a certain extent and are close to where DEQ wants the pond to be.

Mr. Eller responded looking at the readings they are not that close and it will take a while but there is a tremendous change.

Mayor Mattox stated the DEQ needs to understand the Town has done the best they can with what information they have and half a million dollars has been spent trying to get an answer.

Mr. Eller stated DEQ would be looking to see if the Town performed the remedial action plan the town presented and got to the 50 parts per one million in the timeframe given as the Town said they would with the year extension. He stated the town did not do this with “Dig and Haul” which has to be admitted at the beginning of the meeting. Mr. Eller stated Council has to be ready to provide an alternative plan with a schedule. At this time Council does not have a specific plan that says they will do these things and reach a specific point at a specific time. He felt Council needs to be prepared with a remedial action plan and a schedule.

Mr. Eller stated DEQ’s focus is the Town had a schedule that they didn’t adhere to which is what the VRP is about.

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Mayor Mattox stated he felt the facts needed to be presented and what's being done and let the VRP make their decision. Council had tried to do the best they can with what they have.

Mr. Eller noted DEQ will be looking at the 2010 Action Remedial Plan. The Hearing Officer will be there to apply the law to the facts. There are no facts to fit the regulations.

Mr. Higginbotham asked if DEQ will be made aware that the Town has been accepted in the University of Iowa's Superfund program with an annual amount of \$119,000 being spent on research over the next five years.

Mr. Edwards was in agreement with Mayor Mattox in telling DEQ what is being done and all these methods are in play and the Town is working in the direction of remediation and let DEQ decide.

Mr. Coggsdale stated he did not believe DEQ would care about the plan.

Mayor Mattox felt the town has been proactive on this all the way through knowing the town, its citizens and industries cannot afford the expense.

Mr. Coggsdale did not feel DEQ would come in and require the Town to "Dig and Haul"; this meeting is about VRP or no VRP.

Mr. Higginbotham referred to a statement made by Mr. Durwood Willis in which he stated the only way he would be satisfied is if the Town used the "Dig and Haul" method to remove the PCBs.

Mr. Coggsdale stated he would like to think that through this process DEQ has been educated as well.

Mr. Eller stated if the town is terminated or withdraws from the VRP, they can go back with a new plan at a fee of \$2,000 to apply and if accepted a fee of \$7,500 then \$4,500 each year after that.

Mr. Edwards stated the Town has to put its best foot forward and advise DEQ of the different methods of remediation that is being tried and that we would like to proceed with that.

Mr. Coggsdale asked if DEQ removed the Town from the VRP would you stop looking for a way to remediate.

Mr. Emerson asked Mr. Eller should the Town wait to be removed from the VRP by DEQ or withdraw.

Mr. Eller felt the town should withdraw; the Town does not meet the plan that they set forth and doesn't have a plan that meets the requirements.

Mayor Mattox suggested telling DEQ that the Town has done their due diligence and doing the best they can with their resources and let DEQ remove the Town from the VRP if that is their desire. He did not feel Council should give up the fight.

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Mr. Coggsdale stated he would be recapping the re-characterization; give the history of how the Town got to this point, and the potential methods of remediation.

Mr. Edwards stated the option for Council ranged somewhere between \$4.5 and \$11 million. Council could approach the DEQ and say the option Council had was not a 100% solution; there was still a liability that could come back to haunt the town. Council felt "Dig and Haul" was not a viable solution for the taxpayers. He stated \$360,000 has been spent and possibly looking at another \$100 or \$2,000 before it is done; maybe not that because Mother Nature may take care of it. Council has tried to not violate the interest of the citizens of the Commonwealth. Mr. Edwards felt DEQ should be advised that as of this date Council has pursued other methods.

Mr. Coggsdale advised he would be presenting to the DEQ a four prong approach.

6. Items Scheduled for the Regular Meeting Agenda
7. Project Updates
8. Public Comments
9. Adjournment

Mayor Mattox continued the meeting to Monday, November 30, 2015 at 1:00 p.m., at the Virginia Department of Environmental Quality Office, Richmond, Virginia.

This meeting was ended at 6:27 p.m.

Michael E. Mattox, Mayor

J. Waverly Coggsdale, III, Clerk